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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

PERKINS COIE LLP, a Washington
limited liability partnership,
LOWELL NESS, an individual and
California resident, and TIMUR
USMANOV, an individual and
Russian citizen,

Defendants.

Adv. Case No. 20-80031

**TRUSTEE'S MOTION TO
DISMISS THIRD-PARTY
COMPLAINT FOR MISJOINDER;
NOTICE THEREON**

Mark D. Waldron, in his capacity as the duly appointed Chapter 7 Trustee,
by and through his attorneys, the Potomac Law Group PLLC, hereby moves for
entry of an Order dismissing the Third-Party Complaint filed by Perkins Coie LLP
and Lowell Ness on December 7, 2022. ECF No. 139. This Motion is supported

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1 by the Memorandum of Points and Authorities, Request for Judicial Notice
2 (“RJN”), and Declaration of Pamela M. Egan (“Egan Decl.”), filed herewith. The
3 ground for the Motion is that the Third-Party Complaint does not meet the
4 elements of Fed.R.Civ.P. 19 as set forth more fully in the accompanying
5 Memorandum of Points and Authorities. In particular, but without limitation, any
6 interest in the GW ICO trust asserted by Mr. Dam and the purported class of WTT
7 Token holders is void pursuant to prior Order of this Court. And this Court has
8 already ruled that Mr. Dam’s other claims are enjoined pending resolution of this
9 adversary proceeding.

10 Wherefore, the Plaintiff respectfully requests that the Court grant the
11 Motion, dismiss the Third-Party Complaint, and grant such other and further relief
12 as the Court deems necessary and just.

13 **NOTICE**

14 **If you wish to object to the foregoing Motion, an objection must be**
15 **filed and served upon undersigned counsel by January 3, 2023.** If no
16 objection is received, then the Court may enter an Order without actual hearing
17 or further notice unless a written objection is timely served and filed.

18 Dated: December 13, 2022

POTOMAC LAW GROUP PLLC

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20 By: s/ Pamela M. Egan
Pamela M. Egan (WSBA No. 54736)
21 *Attorneys for Mark D. Waldron, Chapter 7*
Trustee, Plaintiff

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